



IFW

Attorney Docket No. 1322.0057CNT

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Durward I. Faries, Jr. et al.

Serial No.: 10/759,218

Examiner: Unknown

Confirmation No.: 6438

Art Unit: 2859

Filed: January 20, 2004

For: Method and Apparatus for Monitoring Temperature of Intravenously Delivered Fluids and Other Medical Items

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §1.97(b)**

Pursuant to the duty imposed by 37 C.F.R. §1.56 to disclose information which may be material to the patentability of the above-identified patent application, the Applicant(s) would like to direct the Examiner's attention to the documents listed on the enclosed Information Disclosure Citation Form (PTO/SB/08). In accordance with this duty of disclosure, Applicant(s) hereby submits the following information in conformance with 37 C.F.R. §§1.97 and 1.98.

- ☐ Pursuant to 37 C.F.R. §1.98, a copy of each document cited in the attached Form PTO/SB/08 is enclosed.
- ☒ The subject Information Disclosure Statement is being filed without copies of the listed U.S. Patents and/or U.S. patent application publications pursuant to the waiver of the requirement under 37 C.F.R. §1.98(a)(2)(i) for applications filed after June 30, 2003.
- ☒ No copies of a portion of the foreign patent documents and/or non-patent literature listed on the attached Form PTO/SB/08A are being provided pursuant to 37 C.F.R. §1.98(d) because the documents and literature were previously cited by or submitted to the Office in prior Application Serial No. 09/982,832 to which the above-identified application claims priority under 35 U.S.C. §120.

- ☐ Publication(s) _____ listed on the attached Form PTO/SB/08A were cited in a foreign search or examination report corresponding to _____ application serial no. _____ and mailed on _____.
- ☐ Enclosed is a copy of a non-English publication(s) _____. Pursuant to §609 of the M.P.E.P., Applicant submits the attached foreign search or examination report, which cites such non-English language publication(s).
- ☐ Enclosed is a copy of a non-English publication(s) _____. English language publication _____ (copy enclosed) claims priority from this non-English publication.
- ☐ Enclosed is an explanation of non-English publication(s) _____ for which an English translation is not available.
- ☐ Enclosed is an English translation of non-English publication(s) _____ cited in the attached Form PTO/SB/08A.
- ☐ Enclosed is a copy of pending patent Application Serial No. _____.

This Information Disclosure Statement is filed within any one of the following time periods:

- ☐ within three months from the filing date of this national application other than a CPA under 37 C.F.R. § 1.53(d);
- ☐ within three months from the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in this international application;
- ☒ before the mailing date of a first office action on the merits; or
- ☐ before the mailing of a first office action after the filing of a request for continued examination under 37 C.F.R. § 1.114.

The Commissioner is hereby authorized to charge payment of any fees required for the above-identified application or credit any overpayment to Deposit Account No. 05-0460.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

It is respectfully requested that the Examiner consider the above-noted information and return an initialed copy of the attached Form PTO/SB/08A to the undersigned.

Dated: 11/1/2004

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Respectfully submitted by
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PTO/SB/08A (08-00)

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 9

Complete if Known

Application Number	10/759,218
Filing Date	January 20, 2004
First Named Inventor	Duward I. Faries, Jr.
Group Art Unit	2859
Examiner Name	Unknown
Attorney Docket Number	1322.0057CNT

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Number	Kind Code ² (if known)		
		RE 35,501		Ross et al	05-06-1997
		522,866		Weinhagen et al.	07-10-1894
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¹ Unique citation designation number.

² See attached Kinds of U.S. Patent Documents.

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				Group Art Unit	2859
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		Number	Kind Code ² (if known)		
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¹ Unique citation designation number.

² See attached Kinds of U.S. Patent Documents.

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¹ Unique citation designation number.

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¹ Unique citation designation number.

² See attached Kinds of U.S. Patent Documents.

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		Number	Kind Code ² (if known)		
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¹ Unique citation designation number.

² See attached Kinds of U.S. Patent Documents.

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² See attached Kinds of U.S. Patent Documents.

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				Application Number	10/759,218
				Filing Date	January 20, 2004
				First Named Inventor	Duward I. Faries, Jr.
				Group Art Unit	2859
				Examiner Name	Unknown
Sheet	7	of	9	Attorney Docket Number	1322.0057CNT

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³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3).

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				Application Number	10/759,218
				Filing Date	January 20, 2004
				First Named Inventor	Duward I. Faries, Jr.
				Group Art Unit	2859
				Examiner Name	Unknown
Sheet	9	of	9	Attorney Docket Number	1322.0057CNT

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Examiner Signature		Date Considered	
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